

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AURELIUS CAPITAL PARTNERS, LP
and AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.
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AURELIUS CAPITAL PARTNERS, LP
and AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.
-----X

BLUE ANGEL CAPITAL I LLC,

Plaintiff

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.
-----X

AURELIUS CAPITAL MASTER, LTD. and
ACP MASTER, LTD.,

Plaintiffs

-against-

THE REPUBLIC OF ARGENTINA,

Defendant.
-----X

**ORDER MODIFYING
AUTHORITY OF
RECEIVER APPOINTED
ON MAY 16, 2011**

No. 07 Civ. 2715 (TPG)

No. 07 Civ. 11327 (TPG)

No. 07 Civ. 2693 (TPG)

No. 09 Civ. 8757 (TPG)

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AURELIUS CAPITAL MASTER, LTD. and	:
ACP MASTER, LTD.,	:
	:
Plaintiffs	:
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
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AURELIUS OPPORTUNITIES FUND II, LLC	:
and AURELIUS CAPITAL MASTER, LTD.,	:
	:
Plaintiffs	:
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X	
AURELIUS OPPORTUNITIES FUND II, LLC	:
and AURELIUS CAPITAL MASTER, LTD.,	:
	:
Plaintiffs	:
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
-----X	
AURELIUS CAPITAL MASTER, LTD. and	:
AURELIUS OPPORTUNITIES FUND II, LLC,	:
	:
Plaintiffs	:
	:
-against-	:
	:
THE REPUBLIC OF ARGENTINA,	:
	:
Defendant.	:
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No. 09 Civ. 10620 (TPG)

No. 10 Civ. 1602 (TPG)

No. 10 Civ. 3507 (TPG)

No. 10 Civ. 3970 (TPG)

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BLUE ANGEL CAPITAL I LLC,	:	
	:	
Plaintiff	:	No. 10 Civ. 4101 (TPG)
	:	
-against-	:	
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Defendant.	:	
-----X	:	

BLUE ANGEL CAPITAL I LLC,	:	
	:	
Plaintiff	:	No. 10 Civ. 4782 (TPG)
	:	
-against-	:	
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Defendant.	:	
-----X	:	

AURELIUS CAPITAL MASTER, LTD. and	:	
AURELIUS OPPORTUNITIES FUND II, LLC,	:	
	:	
Plaintiffs	:	No. 10 Civ. 8339 (TPG)
	:	
-against-	:	
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Defendant.	:	
-----X	:	

**ORDER MODIFYING AUTHORITY OF
RECEIVER APPOINTED MAY 16, 2011**

WHEREAS on May 16, 2011 this Court issued an Order (the “May 16 Order”) appointing Bart M. Schwartz as Receiver pursuant to N.Y. C.P.L.R. Sections 5228 and 5234 , pending a hearing on May 20, 2011;

WHEREAS on May 20, 2011, the Court confirmed the appointment of the Receiver pursuant to the May 16 Order, but requested that the parties confer on an order modifying and clarifying the paragraphs of the May 16 Order describing the Receiver's authority while the merits of this action concerning certain U.S. Patent Interests (as defined in the Attachment Order dated May 16, 2011) are pending, and the parties have so conferred;

IT IS HEREBY:

ORDERED that this Order modifying the scope of the Receiver's authority provided in the May 16 Order shall apply *nunc pro tunc* and operate as an extension of the May 16 Order, so that the priority of the plaintiffs in the above-captioned actions (the "Aurelius Plaintiffs" or "Plaintiffs") will be protected under the provisions of the N.Y. C.P.L.R.

FURTHER ORDERED that the powers and authority of Bart M. Schwartz, as Receiver provided in the May 16 Order while the merits of this action concerning certain US Patent Interests are pending, are hereby revised and replaced in their entirety with the following.

FURTHER ORDERED that the Receiver is authorized to employ counsel and other professionals, including but not limited to Guidepost Solutions LLC ("Guidepost"), as necessary to fulfill its duties.

FURTHER ORDERED that the Aurelius Plaintiffs shall fund the compensation of the Receiver and Guidepost on a monthly basis for their services at their ordinary and customary hourly rates and reimburse the Receiver and Guidepost for expenses and disbursements incurred in the performance of the scope of their authority as described in this Order. Any and all amounts recovered by the Receiver shall be applied first to reimburse the Aurelius Plaintiffs for the foregoing fees, expenses or disbursements of the Receiver and

thereafter to the Aurelius Plaintiffs' judgments. The undertaking referred to in CPLR Section 6403 for temporary receivers, insofar as applicable here, is waived.

FURTHER ORDERED that the Receiver is hereby authorized and empowered to take the following steps while the merits of this action concerning certain US Patent Interests are pending to preserve the *status quo* and protect the value of the property that is the subject of this application:

- (i) obtain, from any appropriate source, governmental or private, all information necessary to carry out the Receiver's duties, and seek the assistance of the Court, if necessary, in obtaining such information;
- (ii) determine to what extent any of the US Patent Interests consist of any license, royalty, or other fees payable to any of the Argentine Government Entities and to bring any such rights immediately to the attention of the Court and the parties so that appropriate measures may be considered and, as the Court may direct, taken to preserve the *status quo* and prevent the removal of any US Patent Interests from the United States while this action concerning the US Patent Interests is pending;
- (iii) promptly notify the Court, counsel to the Aurelius Plaintiffs, and counsel to the Republic if the Receiver determines that there is a reasonable basis for believing that any action is being taken, is likely to be taken, or is not being taken, that will impair in any way the status or value of any US Patent Interest.

The Receiver shall refrain, unless and until further ordered by the Court and/or upon a determination of the merits of the application and after affording the Republic an opportunity to be heard, from taking steps to arrange the transfer, delivery or assignment of the US Patent Interests to the Receiver for exploitation or sale.

FURTHER ORDERED that the USPTO, any party or any third party identified in subparagraph (i) above, upon being furnished by the Receiver with a copy of this Order, is authorized to promptly provide to the Receiver copies of any and all documents relevant to determine the existence, status or value of the US Patent Interests, including any licensing or royalty agreements that may exist or communications sent or received by and between any of the

Argentine Government Entities, on the one hand, and the USPTO, on the other hand, relating to any US Patent Interests, including issued U.S. patents and pending patent applications, for the purpose of allowing the Receiver to fulfill the obligations identified above, including any communications that may be presently outstanding and require any form of response by any of the Argentine Government Entities in relation to any pending U.S. patent applications or otherwise. For the benefit of the Receiver and USPTO, a list of the presently-known US Patent Interests is set forth in Appendix A to this Order.

FURTHER ORDERED that the Receiver shall (i) execute an undertaking pursuant to the confidentiality orders in place in the above-captioned cases; (ii) unless otherwise agreed upon by the Aurelius Plaintiffs and the Republic, treat any and all information or documents obtained pursuant to this Order as Confidential pursuant to the confidentiality orders in place in the above-captioned cases; and (iii) use commercially reasonable efforts to, within two business days of receipt of such any documents or information, provide to counsel for the Aurelius Plaintiffs and counsel to the Republic, simultaneously via U.S. First Class mail, copies of any information or documents obtained.

FURTHER ORDERED that the Aurelius Plaintiffs and the Republic may apply at any time, on notice to the parties, for such further orders as may be necessary to enable the Receiver to carry out the terms of this Order or preserve the *status quo* while the merits of this action concerning the US Patent Interests are pending.

FURTHER ORDERED that any and all expiry dates or other deadlines that may exist under the N.Y. C.P.L.R. in connection with the May 16, 2011 Order to Show Cause and Order Appointing a Receiver under Sections 5228 and 5234(c) continue to be extended until 30


days following final resolution of Plaintiffs' application, including any related appeals, proceedings on remand, and any subsequent appeals.

FURTHER ORDERED that the docketing of this Order in the above-captioned cases, and service of a copy of this Order by U.S. first-class mail, to counsel for creditors of the Republic of Argentina in other cases in the Southern District of New York and known to the Aurelius Plaintiffs, shall constitute good and sufficient and practicable notice to other creditors, to the extent such notice is necessary, pursuant to N.Y. C.P.L.R. Sections 5228(a) and 5240.

FURTHER ORDERED that the terms of this Order are without prejudice to the positions or arguments of any of the parties with respect to the merits of this action concerning the US Patent Interests or the merits of any other action either presently pending or that may be filed in the future.

Dated: May 21, 2011
New York, New York

SO ORDERED


Hon. Thomas P. Griesa, U.S.D.J.

APPENDIX A

<u>HOLDER</u>	<u>TITLE</u>	<u>ISSUED/ PUBLISHED</u>	<u>PATENT/ PUBLICATION NUMBER</u>
1. ANPCT			
(1)	Prosthetic Heart Valve	Issued	6,723,123
(2)	Hydraulic Seal for Rotary Pumps	Issued	6,595,743
(3)	Continuous Flow Rotary Pump	Issued	6,247,892
2. CNEA			
(1)	Double cap system for the handling and transfer of hazardous materials	Issued	7,841,483
(2)	Promoter inducible by reactive oxygen species and vector comprising the same	Published	20100297024 (co-held with CONICET)
3. CONICET			
(1)	DNA constructs that contain Helianthus annuus Hahb-10 gene coding sequence, method for generating plants with a shortened life cycle and a high tolerance to herbicidal compounds and transgenic plants with that sequence	Issued	7,674,954
(2)	COX5c-1 gene intron for increasing expression level in cassettes, plant cells and transgenic plants	Issued	7,598,368
(3)	DNA molecules optimized sequences that encode the IA-2IC antigen, RNA molecules, expression vectors, transformed cells, method of preparing the IA-2IC antigen, polypeptide of the human IA-2IC antigen, and in vitro procedure and kit for the diagnosis of autoimmune diabetes	Issued	7,339,040
(4)	Laser apparatus for measuring dirt density on steel plates	Issued	6,546,784

<u>HOLDER</u>	<u>TITLE</u>	<u>ISSUED/ PUBLISHED</u>	<u>PATENT/ PUBLICATION NUMBER</u>
(5)	Process for manufacturing a biologically active fermented milk product and product obtained by the process	Issued	6,033,691
(6)	Pharmaceutical composition for use in the treatment of wounds	Issued	7,932,237
(7)	Promoter inducible by reactive oxygen species and vector comprising the same	Published	20100297024 (co-held with CNEA)
(8)	Use of PDE5 inhibitors for treating circadian rhythm disorders	Published	20110046141
(9)	Use of pharmaceutical compound in the treatment of wounds	Published	20110034409
(10)	Method for the treatment of psychic disorders	Published	20110003796
(11)	Thomsen-Friedenreich Disaccharide Modified Immunogen (TFD), Preparation procedure, compositions comprising it, uses, and treatment methods	Published	20100297159
(12)	Process for preparing attenuated viral strains	Published	20100278858
(13)	Method and apparatus for determining the thermal expansion of a material	Published	20100208242
(14)	Cell lines, compositions comprising them for the treatment of melanomas, procedures to prepare the compositions, and treatment methods	Published	20100183683
(15)	Compound showing anti-inflammatory activity and antiviral activity, pharmaceutical compositions comprising the same, a process for obtaining the same and use of the same in the treatment of epidemic keratoconjunctivitis and herpetic stromal keratitis	Published	20100120735
(16)	Articulated structure for soil protection and reinforcement	Published	20100104379
(17)	Passive stream regulation system applicable to heat exchangers	Published	20100065046
(18)	Sunroof	Published	20100065041
(19)	Small organism locomotor recording procedure and device, behavioral record obtained and use of same	Published	20100063744

<u>HOLDER</u>	<u>TITLE</u>	<u>ISSUED/ PUBLISHED</u>	<u>PATENT/ PUBLICATION NUMBER</u>
	(20) Method and device for detecting deglutition in babies	Published	20100056961
	(21) Implantable Ocular Microapparatus to ameliorate glaucoma or an ocular overpressure causing disease	Published	20100042209
	(22) Compound having inhibitory activity on a RHO-GTPASE cell protein, a process for obtaining the same, pharmaceutical compositions comprising thereof and a method for the treatment of RHO-GTPASE cell protein-mediated condition	Published	20090324708
	(23) Compositions, kits, and methods for the modulation of immune responses using Galectin-1	Published	20090191182
	(24) Compositions, kits, and methods for the diagnosis, prognosis, and monitoring of immune disorders using Galectin-1	Published	20090176223
	(25) Methods of preparing a therapeutic formulation comprising galectin-induced tolerogenic dendritic cells	Published	20090004259
4. INTA			
	(1) Monomeric VHH domain derived from anti-VP6 camelid antibodies, dimeric domain, immunisation method, rotavirus detection method, composition, prevention and treatment methods for rotavirus infections	Published	20100330068
	(2) Herbicide-resistant rice plants, polynucleotides encoding herbicide-resistant acetohydroxy acid synthase large subunit proteins, and methods of use	Published	20100029485
	(3) Drag-type cotton harvester operated by an independent driving unit	Published	20070234696
	(4) Rice plants having increased tolerance to imidazolinone herbicides	Published	20070028318
5. INTI			
	(1) Bactericidal filler composition	Published	20090188408